

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

RICHARD WHITTAKER,

Defendant(s).

Case No. 2:23-CR-13 JCM (BNW)

ORDER

Presently before the court is the government's motion to reconsider the court's order dismissing the case. (ECF No. 105).

Defendant is a convicted sexual predator who is currently serving a term of supervised release. This offense of defendant's supervised release conditions is in case number 2:16-cr-00216-APG-EJY. Defendant is scheduled to appear before Judge Gordon for a revocation hearing regarding this offense on April 2, 2024, at 9:30 a.m.

In the instant matter, the government indicted defendant for violating the terms of his supervised release in that he failed to update his registration, as required by 18 U.S.C. § 2250(a). (ECF No. 1).

The government *already* elected to pursue the remedy of holding a hearing to revoke defendant's supervised release. Now, the government is pursuing *two* remedies: it is holding a hearing to revoke defendant's supervised release in case number 2:16-cr-00216-APG-EJY and now seeks a jury trial for that same offense in the instant matter.

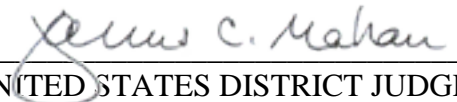
1 Having a new jury trial regarding the same offense for which defendant already has a  
2 revocation hearing could raise double jeopardy concerns.

3 Accordingly,

4  
5 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the government's motion  
6 to reconsider the court's order dismissing the case (ECF No. 105) be, and the same hereby is,  
7 DENIED.

8 The clerk is instructed to enter judgment accordingly and close this case.

9 DATED March 4, 2024.

10  
11  
12   
13 \_\_\_\_\_  
14 UNITED STATES DISTRICT JUDGE  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28